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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,280	01/14/2002	Pekka Niemi	1497-109	5434

7590 06/17/2004

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EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,280	<b>Applicant(s)</b> NIEMI, PEKKA	
	<b>Examiner</b> Igor Borissov	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 10-20 are objected to because of the following informalities

Claim 10. The term "comprising" is used twice in the preamble, which is confusing.

Claim 16. The preamble is missing the term "comprising", which should separate the preamble from the body of the claim.

The remaining claims are objected as being dependent on claims 10 and 16.

Appropriate correction is required in response to this action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4 the phrase "*such as*" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 6 the phrase "*the termination date*" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi (WO 99/20521).

Niemi teaches a method and system for a floating building, comprising:

Claim 1. A floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore registrable (P. 3, L. 25-26).

Niemi does not specifically teach that said building includes premises for building personnel.

Official notice is taken that it is well known to provide crew accommodation on a cruising ship, said crew accommodation is being separate from premises for tourists.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that said building includes a premises for a building personnel, because it would allow to operate said building 24 hours a day by providing said personnel a place for rest. Information as to *the maximum number of clients C is greater than the number of transport personnel A, and that the functional premises of the building do not meet the safety regulations required of a waterborne vessel* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim 2. Same reasoning as in claim 1.

Claim 3. Said building including hotel rooms (P. 2, L. 8-10).

Claim 4. Said building including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), thereby obviously indicating reception premises.

Claim 5. Said method comprising planning in advance the delivery of said building so that it operates in a certain place for a certain period of time, after which it is transported to the next place that is in advance reserved for it (P. 3, L. 4-7).

Niemi does not specifically teach that an additional building is transported to said place.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that an additional building is transported to said place, since it has been held that mere duplication of the essential working parts of a system involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 6 and 7. Same reasoning as in claim 5.

Claim 8. Said system including a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore registrable (P. 3, L. 25-26).

Niemi does not specifically teach that said system includes several buildings, which are transported to one location.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that several buildings are transported to one location, since it has been held that mere duplication of the essential working parts of a system involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Information as to *the size of the spatial capacity and the number of buildings required to provide it are determined on the basis of the spatial capacity requirement at any time* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

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A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim 9. See claim 8.

Claims 10-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of Schiff et al. (US 2003/0187705).

Claim 10. Niemi teaches said floating building including premises for a hotel, wherein said building is transported to a certain place that is reserved in advance for a certain period of time (P. 3, L. 4-7). However, Niemi does not specifically teach a data terminal, means for entering a space reservation in the building, a database, means for searching the database, means for updating the database, means for replying to the data terminal, and means for changing the reservation status of a building or a part.

Schiff et al. (hereinafter Schiff) teaches Web-based selling and booking method and system for selling and booking cruises, including a data terminal, a server and a relational database, wherein a cruise reservation inquiry is conducted over the Internet, and wherein the relational database is updated [0013]; [0068]; [0077]; [0083]; [0123].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include a data terminal, a server and a relational database, wherein a cruise reservation inquiry is conducted over the Internet, as disclosed in Schiff, because it would allow users to book the premises in the building over the Internet at the most convenient time for said users.

Claim 11. Said system wherein said building is transportable by water from one place to another (P. 3, L. 4-7).

Claim 12. See claim 10.

Claim 13. Niemi teaches said system including a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore registrable (P. 3, L. 25-26), wherein said building is transportable by water from one place to another (P. 3, L. 4-7).

Claim 14. Schiff teaches said system wherein orders are received via a telephone or e-mail [0047].

Claim 16. Niemi teaches providing said floating building including premises for a hotel, wherein said building is transported to a certain place that is reserved in advance for a certain period of time (P. 3, L. 4-7). However, Niemi does not specifically teach entering a space reservation inquiry via a server, and receiving a response for said inquiry.

Schiff teaches said Web-based selling and booking method and system for selling and booking cruises, wherein a cruise reservation inquiry is conducted over the Internet, and wherein a relational database is updated [0013]; [0068]; [0077]; [0083]; [0123].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include entering a space reservation inquiry via a server, and receiving a response for said inquiry, as disclosed in Schiff, because it would allow users to book the premises in the building over the Internet at the most convenient time for said users.

Claims 17-18. Niemi teaches said system including a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore registrable (P. 3, L. 25-26), wherein said building is transportable by water from one place to another (P. 3, L. 4-7).

Claim 19. Schiff teaches said method wherein orders are received via a telephone or e-mail [0047].

Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi and Schiff in view of LaBrie et al. (US 2002/0055872).

Claims 15 and 20. Niemi and Schiff teach all the limitations of claims 15 and 20, except specifically teaching that said means for receiving clients orders are located in a building.

LaBrie et al. (hereinafter LaBrie) teaches a method and system for information management and user services on a cruise ship, including a communication means between said ship and off-board location, an on-board terminal, an on-board server and on-board means for registration users and receiving users orders [0010]; [0014]; [0105]; [0118]; [0124].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi and Schiff to include that said means for receiving clients orders are located in a building, as disclosed in LaBrie, because it would allow to make a reservation on-board without necessity to leave the building, thereby increasing customer service.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See form PTO-892):

US 5,125,769 to Lee et al., disclosing floatable structure including various servicing premises.

JP354059778A to Ikeda, discloses a floating hotel mounted on a ship.

GB 2103550A to Jozefowski et al., teaches a floating hotel including servicing premises.

GB 2083415 to Jozefowski et al., teaches a floating hotel.

EP 253969 A1 to Tax; teaches floating platform supporting a building.

DE 4004673 A1 to Loidl; discloses floating hotel.



Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

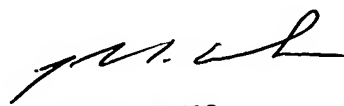
Any response to this action should be mailed to:

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**Washington D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**MOLOGY CENTER 3600**